

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724
HON. CYNTHIA M. RUFÉ**

THIS DOCUMENT RELATES TO:

17-cv-03768 (CMR)

State Attorneys General Litigation

DECLARATION OF SANJAY KUMAR

I, SANJAY KUMAR, declare under penalty of perjury as follows:

1. I submit this declaration in support of the Motion to Dismiss the Plaintiff States' Amended Complaint submitted by Defendants Emcure Pharmaceuticals Ltd. ("Emcure") and Satish Mehta. Except as otherwise indicated, all facts set forth in this declaration are based on the information provided to me as an officer of Emcure, as well as a review of the books and records of Emcure maintained in the ordinary course of business.

2. I head Emcure's Legal Department and hold the title of Associate Director. I have been employed at Emcure since June of 2018.

3. Emcure is an Indian corporation that has its principal place of business and registered office at T 184, M.I.D.C. Bhosari, Pune 411 026, India. In addition to its registered office in the city of Pune, India, Emcure maintains additional offices throughout India.

4. Emcure was founded in India on April 16, 1981.

5. Emcure's business activities consist of the development, manufacturing, and marketing of a broad range of pharmaceutical products globally. Emcure ships its products to over 70 countries worldwide.

6. Emcure maintains 7 manufacturing plants in India.

7. Emcure maintains subsidiaries in Dubai, Brazil, Nigeria, South Africa, the United Kingdom, France, Italy, Germany, Spain, Mexico, Peru, Australia, New Zealand, Canada, the Netherlands and the United States.

8. Emcure does not conduct marketing and sales activity in the United States; any such activity is conducted through its wholly-owned, but indirect, subsidiary, Heritage Pharmaceuticals Inc. ("Heritage").

9. Heritage is an indirect subsidiary of Emcure; it is incorporated in Delaware with its principal place of business in New Jersey.

10. Heritage manages its day-to-day operations, and maintains its own Board, personnel, and marketing materials.

11. All of Emcure's manufacturing activity in the United States is conducted through its wholly owned, but indirect, subsidiary Heritage Pharma Labs Inc. (formally known as Emcure Pharmaceuticals USA, Inc.) ("HPL").

12. HPL is an indirect subsidiary of Emcure; it is incorporated and maintains its principal place of business in New Jersey. HPL manufactures, tests, processes and packages pharmaceutical products.

13. HPL manages its day-to-day operations, and maintains its own Board, employees and personnel.

14. Emcure has an eight-member Board of Directors, comprised of the following individuals: Humayun Raja Dhanrajgir, Shreekant Krushnaji Bapat, Berjis Minoo Desai, Samonnoi Sajani Banerjee, Satish Ramanlal Mehta, Mukund Keshao Gurjar, Sunil Rajanikant Mehta and Namita Vikas Thapar. All are Indian residents.

15. Emcure holds its Board meetings quarterly and in India; those meetings are never held in the United States.

16. Emcure is not qualified or licensed to do business in Pennsylvania, Connecticut, or any other state in the United States.

17. Emcure does not incur or pay taxes in Pennsylvania, Connecticut, or any other state in the United States.

18. Emcure has not appointed an agent for service of process in Pennsylvania, Connecticut, or any other state in the United States.

19. Emcure has no offices or places of business in Pennsylvania, Connecticut, or any other state in the United States.

20. Emcure owns no real estate and does not maintain bank accounts in Pennsylvania, Connecticut, or any other state in the United States.

21. Emcure does not invest or trade in the United States financial markets or exchanges.

22. Emcure has no employees in the United States.

23. Emcure does not set the price for any products sold by Heritage.

24. Emcure does not prepare Heritage's sales goals.

25. Emcure does not create or maintain any marketing or sales materials in the United States.

[INTENTIONALLY LEFT BLANK – SIGNATURE PAGE TO FOLLOW]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: May 29, 2019

By:



Sanjay Kumar